

S.B. Cr. Misc. IIIrd Bail Application No.705/2006

In

S.B. Criminal Appeal No.873/2005

Man Singh Vs. State of Rajasthan

Date Of Order ::: 24.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Ashish Sharma, Counsel for accused-appellant

Mr. Rakesh Bhargava, Counsel for complainant

Ms. Nirmala Sharma, Public Prosecutor for State

Heard learned counsel for the accused-appellant, learned counsel for the complainant as well as the learned public prosecutor for the State and also perused the record of the Court below.

This is third application for suspension of sentence of the accused-appellant under Section 389 Cr.P.C. The first application of the accused-appellant was dismissed as withdrawn on 20.03.2006 and the second application for interim bail was dismissed as infructuous on 24.05.2006.

Learned counsel for the accused-appellant submits that the appellant has been convicted and

sentenced under Section 307 of the I.P.C., to seven-years rigorous imprisonment and he has already remained in jail for about two-and-half-year.

The appeal was filed in this Court on 10.08.2004 and in last more than two-years the hearing of the appeal could not take place and looking to the long pendency of the criminal appeals, wherein the accused-persons are in jail, there is no likelihood that the present appeal will be heard at an early date. Therefore, his contention is that in view of the fact that the substantive sentence of imprisonment has already been undergone by the accused-appellant and he may be released on bail during the pendency of the appeal.

Learned counsel for the State as well as complainant both do not dispute the aforesaid facts of the learned counsel for the accused-appellant that the accused-appellant has remained in jail for about two-and-half year. There contention is that looking to the merits of the case the bail application of the accused-appellant be dismissed.

I have considered the submissions of learned counsel for both the parties, there is no dispute that

the accused-appellant had already remained in jail for more than two-and-half year and looking to the pendency of the criminal appeals, wherein the accused-persons are in jail, there is no likelihood that the present appeal will be heard at an early date.

Therefore, after considering all the facts and circumstances of the present case and keeping in view the submissions made by learned counsel for the accused-appellant, I deem it just and proper to suspend the sentence of the accused-appellant awarded by the Court below.

It is, therefore, ordered that the sentence awarded to the accused-appellant Man Singh son of Ram Swaroop by the learned Additional Sessions Judge (Fast Track) No.1 Alwar in Sessions Case No.110/2003 (121/03) shall remain suspended till the final disposal of the appeal, provided he furnished a personal bond in the sum of Rs.50,000/- (Rupees fifty thousand only) with one surety in the like amount to the satisfaction of the learned trial Court to appear before this Court on 22.12.2006 and thereafter on each and every dates of hearing unless otherwise directed.

(Narendra Kumar Jain) J.